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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,091	10/20/2003	Yuan-Chi Chang	YOR920030385US1 (8728-644)	3809
46/69 7590 10/17/2008 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797				
EXAMINER				
HARPER, LEON JONATHAN				
ART UNIT		PAPER NUMBER		
2166				
MAIL DATE		DELIVERY MODE		
10/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/689,091

**Applicant(s)**

CHANG, YUAN-CHI

**Examiner**

Leon J. Harper

**Art Unit**

2166

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8,11-15,17-19,22-32,34-36,38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,11-15,17-19,22-32,34-36,38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed 6/19/2008 has been entered. Claims 1,8,15,19,26, 38 have been amended. Claims 2,9-10,16,20-21,33,37 have been cancelled. No claims have been added. Accordingly, claims 1, 3-8, 11-15,17-19, 22-32, 34-36, 38 and 39 are pending in this office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,3-8, 11-15, 17-19, 22-32, 34-36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5797007 (hereinafter Erick) in view of US 20030140308 (hereinafter Murthy) in further view of US 6470344 (hereinafter Kothuri) .

As for claim 1 Erick discloses: generating automatically a persistent storage structure in a persistent storage medium based on the determined logical structures and properties of the declared object (See column 4 lines 34-39); and generating automatically an interface for the persistent storage structure, wherein the interface comprises access object classes that are generated automatically to enable management of object instance data in the persistent storage structure (See column 4 lines 63-66).

Wherein each object is associated with a respective access object class for performing methods including a method for deleting the object instance data associated with the respective access object class (See column 4 lines 5-15)

While Erick does not differ substantially from the claimed invention, the disclosure of receiving as input an entity definition of a persistent storage structure, wherein the entity definition comprises a declaration of an object, one or more properties of the object, and a data type for each property, parsing the entity definition to determine logical structures and properties for declared object, generating automatically an index to object instance data if it is determined that a frequency of accessing the object instance data exceeds a predefined threshold is not necessarily explicitly stated. Murthy however does disclose receiving as input an entity definition of a persistent storage structure (See paragraph 0032), wherein the entity definition comprises a declaration of an object, one or more properties of the object, and a data type for each property (See paragraph 0052).parsing the entity definition to determine

logical structures and properties for declared object (See paragraph 0117), While Kothuri discloses generating automatically an index to object instance data if it is determined that a frequency of accessing the object instance data exceeds a predefined threshold (See column 4 lines 35-45). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Murthy and Kothuri into the system of Erick. The modification would have been obvious because languages like XML are becoming more and more frequent, and databases are not made to fit every possible object that can be derived from such languages (See Murthy paragraph 0016). An automatic method of persistent storage will allow the full structure of languages such as XML to be fully used and will allow for optimal performance (See Murthy paragraph 0018). Moreover, buffering saves valuable resources (See Kothuri column 3 lines 5-15).

As for claim 3, the rejection of claim 1 is incorporated, and further Murthy discloses: wherein the persistent storage structure comprises a database table (See paragraph 0033).

As for claim 4, the rejection of claim 1 is incorporated, and further Murthy discloses: wherein the persistent storage structure comprises a file directory (See paragraph 0075).

As for claim 5, the rejection of claim 1 is incorporated, and further Erick discloses: wherein the persistent storage medium comprises a hard disk, a readable /writable CD or a floppy disk (See column 4 lines 35-37).

As for claim 6, the rejection of claim 1 is incorporated, and further Murthy discloses: wherein the method is implemented in a database system (See paragraph 0032).

As for claim 7, the rejection of claim 6 is incorporated, and further Murthy discloses: wherein the database system is a relational database (See paragraph 0034).

As for claim 8, the rejection of claim 1 is incorporated, and further Erick discloses: wherein the step of automatically generating an interface for accessing the persistent storage medium comprises automatically creating methods for one of storing, retrieving, and searching, object instance data in the persistent storage medium (See column 4 lines 55-65).

As for claim 9, the rejection of claim 1 is incorporated, and further Murthy discloses: automatically generating an index to persistent stored data (See paragraph 0141).

As for claim 10, the rejection of claim 1 is incorporated, and further Murthy discloses: wherein the step of automatically generating an index to persistent stored data comprises generating an index to persistent stored data that is frequently accessed as determined by a predefined indicator (See paragraph 0141).

As for claim 11, the rejection of claim 1 is incorporated, and further Erick discloses: automatically adapting the persistent storage structure or the access interface for a new entity definition (See column 4 lines 55-58).

As for claim 12, the rejection of claim 1 is incorporated, and further Erick discloses: automatically optimizing the persistent storage system to improve search efficiency or storage scalability (See column 4 lines 60-65 note: methods are optimized).

As for claim 13, the rejection of claim 1 is incorporated, and further Murthy discloses: automatically creating a cache memory for storing object instance data that is accessed from the persistent storage medium based on the index (See paragraph 0164).

As for claim 14, the rejection of claim 1 is incorporated, and further Erick discloses automatically populating the persistent storage structure with object instance data (See column 4 lines 34-38), while Murthy discloses: : receiving an object instance declaration (See paragraph 0032).

Claims 15-25 are program storage device claims corresponding to method claims 1-4, 8-14 respectively, and are thus rejected for the same reasons as set forth in the rejection of claims 1-4, 8-14.

Claim 26 is a system claim corresponding to the method of claim 1 and is thus rejected for the same reasons as set forth in the rejection of claim 1.

As for claim 27, the rejection of claim 26 is incorporated, and further Murthy discloses: a database system comprising the persistent storage structure of claim 26 (See paragraph 0032).

As for claim 28, the rejection of claim 26 is incorporated, and further Murthy discloses: an enterprise application comprising the persistent storage structure of claims 26 (See paragraph 0203 note: the application may be enterprise).

As for claim 29, the rejection of claim 26 is incorporated, and further Murthy discloses: wherein the persistent storage structure comprises a database table (See paragraph 0033).

As for claim 30, the rejection of claim 26 is incorporated, and further Murthy discloses: wherein the persistent storage structure comprises a file directory (See paragraph 0075).



As for claim 31 the rejection of claim 26 is incorporated, and further Erick discloses: wherein the access methods comprise methods for one of storing, retrieving, searching, and removing object instance data in the persistent storage medium (See column 4 lines 55-65).

As for claim 32, the rejection of claim 26 is incorporated, and further Murthy discloses: wherein the autonomous persistent storage system is an electronic catalog system (See paragraph 0225).

As for claim 33, the rejection of claim 26 is incorporated, and further Murthy discloses: wherein the autonomous persistent storage system further comprises an index creation module for automatically generating an index to persistent stored data (See paragraph 0141).

As for claim 34, the rejection of claim 26 is incorporated, and further Murthy discloses: wherein the autonomous persistent storage system further comprises a cache memory module for automatically storing object instance data that is accessed from the persistent storage medium based on the index (See paragraph 0164).

As for claim 35, the rejection of claim 26 is incorporated, and further Erick discloses: wherein the autonomous persistent storage system further comprises means

for automatically populating a persistent storage structure with object instance data that is input to the system (See column 4 lines 55-58).

As for claim 36, the rejection of claim 26 is incorporated, and further Murthy disclose An e-serive that implements the system of claim 26 for providing a data management service based on a fee agreement or service level agreement (See paragraph 0225 the two way communication is explicitly for service).

Claims 37 and 38 are method claims corresponding to the method of claim 1 and is thus rejected for the same reasons as set forth in the rejection of claim 1.

As for claim 39 the rejection of claim 38 is incorporated and further Kothuri discloses the stop of automatically measuring a frequency of searching by values of a property of the object (See column 4 lines 35-45)

***Response to Arguments***

Applicant's arguments filed 6/19/2008 have been fully considered but they are not persuasive.

**Applicant argues:**

Erickson teaches a single base class, SOMObject, which includes general methods that are inherited by all of its subclasses (see column 3 lines 66-67, column 4 lines 1-10). Erickson teaches a DefaultEncoderDecoder class, which includes a "get" and "set" method for use by all objects, to implement flexible, generalized storage of object information (see column 4 lines 55- 67). Implementation of general methods for use with all objects in a persistent storage medium, as taught by Erickson, is clearly not analogous to an object associated with a respective access object class for performing methods with the respective access object class, as essentially claimed in Claims 1, 15, 26 and 38. Therefore, Erickson fails to teach or suggest all of the limitations of Claims 1, 15, 26 and 38.

**Examiner responds:**

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be

interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case while the general methods are inherited by all of the subclasses, however the result of the inheritance is that each object has its own method that is called upon for manipulations such accessing or deleting. Accordingly, Erickson does disclose an object associated with a respective access object class for performing methods with the respective access object class.

**Applicant argues:**

Further still, the combination of Erickson, Murthy, and Kothuri does not teach the automatic creation of a method enabling an object to delete its own object instance data, as essentially claimed in Claims 1, 15, 26 and 38. Particularly, Erickson teaches encoding and decoding object instance data by implementing "get" and "set" methods to control the storage and restoration of persistent data. The Examiner points to column 4 lines 55-65 of Erickson as teaching automatically creating methods for one of storing, retrieving, searching and removing object instance data in a persistent storage medium. Respectfully, Erickson merely teaches using a "get" method for controlling storage of an object and using a "set" method for controlling restoration of an object (see column 4 lines 63-67, column 5 lines 1-5). The methods for retrieval and restoration of persistent objects, as taught by Erickson (see column 2 lines 40-50), is clearly not analogous to the automatic creation of a method that enables an object to delete its own object instance data, as essentially claimed in Claims 1, 15, 26 and 38. Therefore, Erickson fails to teach or suggest all of the limitations of Claims 1, 15, 26 and 38.

**Examiner responds:**

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). While Erickson does disclose set and get methods that control restoration and

storage, however as expressed above with inheritance methods can be overridden, and Erickson discloses that for the purposes of compatibility the set function is overridden when the current structure of the object needs to be changed.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*LJH*  
*Leon J. Harper*  
*October 11, 2008*

/Hosain T Alam/  
Supervisory Patent Examiner, Art Unit 2166